

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutional of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

WEISBERG LAW
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Fax: 888-238-1334
Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Eddy Dormilus
828 Grove Street
Apt B-2
Irvington, NJ 07111

Plaintiff,

v.

New Jersey Department of Corrections
1300 Stuyvesant Ave
Trenton NJ, 07111

And

Northern State Prison
168 Frontage Rd
Newark NJ 07114

And

D. McGee, individually and in his official
capacity as Corrections Officer of Northern
State Prison
168 Frontage Rd
Newark NJ 07114

And

George O. Robinson, Jr. individually and
In his official capacity as Administration
Correction Officer of Northern State Prison
168 Frontage Rd
Newark, NJ 07114

And

CIVIL ACTION NO.:

JURY TRIAL DEMANDED

John Does 1-10 :
:
Defendants. :

CIVIL ACTION COMPLAINT

I. Jurisdiction and Venue

1. Jurisdiction in this Honorable Court is based on a violation of federal law conferred by 28 U.S.C. §1331; supplemental jurisdiction over state law claims is granted by 28 U.S.C. §1367.
2. Venue lies in this district in that the events giving rise to this claim occurred here, at least one (1) Defendant resides, maintains a principal place of business, and/or does business here, and/or the property which is the subject of this action is situated within this district.

II. Parties

3. Plaintiff, Eddy Dormilus, is an adult individual, currently residing at the above captioned address.
4. Defendant, New Jersey Department of Corrections, is an entity existing under the laws of the State of New Jersey, with an office for the acceptance of services at the above captioned address.
5. Defendant, Northern State Prison, is an entity existing under the laws of the State of New Jersey operating in the County of Essex, is a division of the New Jersey Department of Corrections, doing business at the above captioned address.
6. Defendant, D. McGee, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Northern State Prison, as well as in his official capacity as Corrections Officer, acting under color of State Law.

7. Defendant, George O. Robinson, is an adult individual who, at all times material herein, acted individually, and/or as an agent, servant, workman, and/or employee of the Northern State Prison, as well as in his official capacity as Administrative Corrections Officer, acting under color of State Law.
8. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

IV. Statement of Claims

9. Plaintiff was a former inmate in the Northern State Prison in Newark, NJ.
10. On or about January 6, 2019, Plaintiff was told by his unit officer to report to the law library for a routine urinalysis.
11. Upon arriving at the law library desk, Plaintiff told Defendant, Officer McGee that he was ready to urinate. McGee shouted, "shut the fuck up and sit the fuck down!"
12. Plaintiff did not verbally respond but sat down.
13. McGee then shouted, "shut the fuck up and sit the fuck down before I smack the shit out of you!"
14. McGee then walked up to Plaintiff and pepper sprayed Plaintiff. McGee then punched Plaintiff in the right temple right below the ear and continued to punch Plaintiff until more Defendants, John Does (approximately four or five) officers arrived.

15. Knowing that there was video surveillance in the law library, the Defendant officers dragged Plaintiff into the bathroom near the law library, slammed Plaintiff's head against the wall, and continued to punch Plaintiff, including in the head and midsection area of the body.
16. Defendants then dragged Plaintiff out of the bathroom and slammed Plaintiff on the floor in front of the bathroom.
17. Defendants then pepper sprayed Plaintiff a second time – to amplify the pain to Plaintiff.
18. Defendants then placed Plaintiff in handcuffs that were so tight on Plaintiff's wrists that both of his hands became numb from lack of blood circulation.
19. While Plaintiff was escorted to the medical station, Defendants continued to twist Plaintiff's handcuffed wrists and pushed Plaintiff's thumbs backwards with full force, which resulted in permanent numbness of Plaintiff's thumbs.
20. Following the assault and during the disciplinary process Plaintiff was assigned to a room without a mattress or blanket.
21. Plaintiff was forced to sleep on a cold concrete floor for five (5) days. Plaintiff did not sleep for those five (5) days and spent the nights shivering and walking around the room to keep warm.
22. Upon information and belief, Defendant McGee has a history of provoking inmates and then assaulting them. McGee also has a history of being disciplined.
23. The conduct of the Defendants was part of a custom, policy and/or practice and these customs, policies or practices caused the violations of Plaintiff's rights. Specifically, Defendants use excessive force, fail to provide appropriate medical care, fail to train, supervise or otherwise.

24. Plaintiff has suffered and continues to suffer severe physical and psychological stress as a result.

V. Causes of Action

COUNT I
Excessive Force/Assault & Battery

25. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

26. At the time of Defendants' conduct, Plaintiff had not committed any infraction or otherwise to legally justify the force used by Defendants.

27. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.

28. Defendants caused Plaintiff to suffer excessive force by their wrongful conduct all in violation of the Fourth, Eighth and Fourteenth Amendments of the United States Constitution, actionable through 42 U.S.C. §1983, et seq and common law.

COUNT II
Monell

29. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

30. Prior to the events described herein, Defendants developed and maintained policies, practices, procedures and customs exhibiting deliberate indifference to the Constitutional rights of persons within the geographic and jurisdictional limits of the County of Essex, which caused violations of Plaintiff's constitutional and other rights.

31. The above described acts or omissions by Defendants, demonstrated a deliberate indifference to the rights of citizens, such as Plaintiff, and were the cause of the violations of Plaintiff's rights as set forth herein.

32. Plaintiff suffered harm due to Defendants' conduct.

COUNT III
N.J.S.A. 10:6-2 – New Jersey Civil Rights Act

33. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

34. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled rights under the New Jersey Civil Rights Act. N.J.S.A. 10:6-2.

35. Plaintiff suffered harm due to Defendants' conduct.

COUNT IV
Eighth Amendment Violation- Failure To Provide Medical Care And Treatment/ Cruel And Unusual Punishment

36. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

37. Defendants showed deliberate indifference to Plaintiff's serious medical needs and wanton infliction of pain.

38. Defendants' actions stated above, *inter alia*, were committed under color of state law and were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.

39. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

VI. Prayer for Relief

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter judgment in his favor and against Defendants, individually, jointly and severally, in an amount in excess of seventy-five thousand dollars (\$75,000), plus such other and further relief as this Honorable Court deems necessary and just, and to Order the following relief:

- a. Statutory damages;
- b. Compensatory damages, including;
 - i. Actual damages for financial and physical injuries, including but not limited to wage loss and loss of earning capacity, attorneys' fees related to the criminal defense, and emotional distress;
 - ii. Attorneys' fees and expenses, and costs of suit.
- c. Injunctive relief, including;
 - i. Monitoring and training.

Respectfully Submitted,

WEISBERG LAW
BY: /s/ Matthew Weisberg
MATTHEW B. WEISBERG, ESQ

DATED: 12-20-19

SCHAFKOPF LAW, LLC
BY: /s/ Gary Schafkopf
GARY SCHAFKOPF, ESQ.

DATED: 12-20-19